

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/3/15
A Bill

HOUSE BILL 1192

5 By: Representative Leding
6

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND THE RIGHT TO BE ACCOMPANIED BY A
9 SERVICE ANIMAL; TO ADD A DEFINITION OF SERVICE
10 ANIMAL; TO REMOVE DUPLICATE REFERENCES WITHIN THE
11 ARKANSAS CODE PERTAINING TO A SEARCH AND RESCUE DOG;
12 AND FOR OTHER PURPOSES.
13
14

15 **Subtitle**

16 TO AMEND THE RIGHT TO BE ACCOMPANIED BY A
17 SERVICE ANIMAL.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 20-14-304, concerning rights of individuals
23 with disabilities to be accompanied by service animals, is amended to read as
24 follows:

25 20-14-304. Right to be accompanied by service animal – Penalty and
26 restitution for killing or injuring a service animal ~~or search and rescue~~
27 ~~dog.~~

28 ~~(a) Every individual with visual, hearing, or other physical~~
29 ~~disabilities shall have the right to be accompanied by a service animal~~
30 ~~especially trained to do work or to perform tasks for the benefit of an~~
31 ~~individual with a disability in or upon any and all public ways, public~~
32 ~~places, and other public accommodations and housing accommodations prescribed~~
33 ~~in § 20-14-303 and shall not be required to pay any extra fee or charge for~~
34 ~~the service animal.~~

35 ~~(b) However, any individual with visual, hearing, or other physical~~
36 ~~disabilities accompanied by a service animal in any public way, public place,~~



1 ~~public accommodation, or housing accommodation shall be liable for any damage~~
2 ~~caused to the premises or facilities by the animal.~~

3 ~~(c) As used in this section, "search and rescue dog" means any dog:~~

4 ~~(1) In training for or trained for the purpose of search and~~
5 ~~rescue;~~

6 ~~(2) Owned by an independent handler or a member of a search and~~
7 ~~rescue team; and~~

8 ~~(3) Used in conjunction with local law enforcement or emergency~~
9 ~~services organizations for the purpose of locating missing persons or~~
10 ~~evidence of arson.~~

11 (a) As used in this chapter, "service animal" means an animal that is
12 trained specifically to do work or to perform tasks for the benefit of an
13 individual with a disability, including without limitation:

14 (1) A guide dog or a trained dog that serves as a travel
15 assistant for an individual who has severe visual impairment or is blind;

16 (2) A signal dog or a dog trained to alert when a sound occurs
17 an individual who has a significant hearing loss or is deaf;

18 (3) A service dog or a dog trained to perform tasks that assist
19 an individual with a disability;

20 (4) An assistance animal or an animal trained and used to assist
21 an individual with a disability;

22 (5) A seizure alert animal or an animal trained to assist an
23 individual with a seizure disorder when a particular medical event is about
24 to occur or to respond to a medical event that has occurred;

25 (6) A mobility animal or an animal that is being or has been
26 trained to assist an individual with a disability caused by physical
27 impairments;

28 (7) A psychiatric service animal or an animal trained to assist
29 an individual with a disability to detect the onset of psychiatric episodes
30 and lessen the effects of the psychiatric episodes; or

31 (8) A sensory service animal or an animal trained to assist an
32 individual with autism or other sensory disorder.

33 (b) A person who has a physical disability, mental disability,
34 intellectual disability, or sensory disability shall have the right to be
35 accompanied by a service animal on public ways, in public places, and in
36 other public accommodations and housing accommodations prescribed in § 20-14-

1 303 and shall not be required to pay an extra fee or charge for the service
 2 animal.

3 (c) However, a person who has a physical disability, mental
 4 disability, intellectual disability, or sensory disability and who is
 5 accompanied by a service animal on a public way, in a public place, in a
 6 public accommodation, or in a housing accommodation is liable for any damage
 7 caused to the premises or facilities by the service animal.

8 (d) ~~Any~~ A person who without just cause purposely kills or injures any
 9 service animal ~~described in this section or any search and rescue dog~~ is
 10 guilty of a Class D felony.

11 (e) ~~Any~~ A person who kills or injures any service animal ~~described in~~
 12 ~~this section or any search and rescue dog~~ shall make restitution to the owner
 13 of the animal.

14

15 SECTION 2. Arkansas Code § 20-14-308, concerning guide dog and service
 16 dog access, is amended to read as follows:

17 20-14-308. ~~Guide dog and service dog~~ Service animal access.

18 (a) An individual with ~~visual, hearing, or other physical disabilities~~
 19 a physical disability, mental disability, intellectual disability, or sensory
 20 disability and his or her ~~guide, signal, or service dog~~ service animal or a
 21 ~~dog~~ trainer in the act of training a ~~guide, signal, or service dog~~ service
 22 animal shall not be denied admittance ~~to~~ or refused access to the following
 23 because of the ~~dog~~ animal:

24 (1) ~~Any~~ A street or highway;

25 (2) ~~Any~~ A sidewalk or walkway;

26 (3) ~~Any~~ A common carrier, airplane, motor vehicle, railroad
 27 train, bus, streetcar, boat, or any other public conveyance or mode of
 28 transportation;

29 (4) ~~Any~~ A hotel, motel, or other place of lodging;

30 (5) ~~Any~~ A public building maintained by any unit or subdivision
 31 of government;

32 (6) ~~Any~~ A building to which the general public is invited;

33 (7) ~~Any~~ An educational facility or college dormitory;

34 (8) ~~Any~~ A restaurant or other place where food is offered for
 35 sale to the public; or

36 (9) ~~Any other place~~ Other places of public accommodation,

1 amusement, convenience, or resort to which the general public or any
2 classification of persons from the general public is invited regularly,
3 normally, or customarily ~~invited~~ within the State of Arkansas.

4 ~~(b) The individual with visual, hearing, or other physical~~
5 ~~disabilities, A person who has a physical disability, mental disability,~~
6 ~~intellectual disability, or sensory disability or dog a~~ trainer in the act of
7 training a guide, signal, or service dog service animal shall not be required
8 to pay any additional charges for his or her ~~guide, signal, or service dog~~
9 service animal but ~~shall be~~ is liable for any damage done to the premises by
10 the ~~dog~~ animal.

11
12 SECTION 3. Arkansas Code Title 20, Chapter 14, Subchapter 3, is
13 amended to add *additional sections* to read as follows:

14 20-14-309. Service animal inquiry.

15 (a) If the service that the animal provides to an individual is not
16 obvious to the staff of the public accommodation, the staff may make
17 inquiries regarding only the following:

18 (1) Whether the service animal is required because of a
19 disability; and

20 (2) What work or task the service animal has been trained to
21 perform.

22 (b) The staff of a public accommodation listed in § 20-14-308 shall
23 not:

24 (1) Make inquiries regarding the nature or extent of an
25 individual's disability;

26 (2) Require medical documentation of the individual's
27 disability;

28 (3) Require a special identification card or training
29 documentation; or

30 (4) Request the service animal to demonstrate its ability to
31 perform the work or task.

32
33 20-14-310. Control.

34 (a)(1) A service animal shall be under the control of its handler.

35 (2) A service animal shall have a harness, leash, or other
36 tether unless either:

